

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
INJURY LITIGATION

No. 12-md-2323 (AB)

MDL No. 2323

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**THIS DOCUMENT RELATES TO:**

Vernon Maxwell, et al.  
v. National Football League et al.  
No. 2:12-cv-01023-AB

**As to Plaintiff SHANTE CARVER Only**

**MOTION TO GRANT PLAINTIFF'S  
REQUEST FOR EXCLUSION FROM SETTLEMENT CLASS**

Plaintiff, by and through counsel, files the instant Motion to Grant Plaintiff's Exclusion from Settlement Class, and in support thereof, states as follows:

1. Plaintiff filed his claims in this action as part of the *Maxwell v. NFL, et al.*, 2:12-cv-01023-AB matter.
2. Plaintiff attempted to request exclusion from the Settlement Class in this action via Request sent to the NFL Concussion Claims Administrator on October 8, 2014. *See* October 7, 2014 Request for Exclusion, attached as Exhibit A.
3. Plaintiff was placed on the timely opt out report filed on April 21, 2015. *See* ECF Number 6507-1.

4. After correspondence from the Claims Administrator, Plaintiff learned that he was not excluded from the Settlement Class because he had failed to include his phone number with his Request. *See* May 8, 2015 letter of Jason E. Luckasevic to Orran L. Brown, attached as Exhibit B; May 12, 2015 letter of Orran L. Brown to Jason E. Luckasevic, attached as Exhibit C.
5. Apparently, the Claims Administrator never received Mr. Carver's proper Request for Exclusion from Settlement Class, which included his phone number, until Counsel for Mr. Carver contacted him with his May 6, 2015 letter. *See* Exhibits B and C.
6. Mr. Carver wishes to be excluded from the Settlement Class in this matter.
7. Upon information and belief, Defendants have possessed proper contact information from Mr. Carver at all times material to the initiation of this litigation to accurately determine his identity.
8. Interests of justice entail that Mr. Carver's inadvertent omission of his phone number in his Request for Exclusion is not sufficient reason to include him in the Settlement Class against his express wish to continue litigating as an opt out Plaintiff.

WHEREFORE, plaintiff asks that this Court accept his Request for Exclusion from the Settlement Class and recognize his exclusion from the same.

Dated: February 8, 2017

Respectfully submitted,

GOLDBERG, PERSKY & WHITE, P.C.

By: s/ Jason E. Luckasevic  
Jason E. Luckasevic, Esquire  
(PA Bar No. 85557)  
11 Stanwix Street, Suite 1800  
Pittsburgh, PA 15222  
Telephone: (412) 471-3980  
Facsimile: (412) 471-8308  
*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 8, 2017 the foregoing MOTION TO GRANT PLAINTIFF'S REQUEST FOR EXCLUSION FROM SETTLEMENT CLASS was electronically filed. Notification of this filing will be sent to all parties via the Court's CM/ECF system.

GOLDBERG, PERSY & WHITE, P.C.

By: s/ Jason E. Luckasevic

10/07/2014

To NFL Concussion Claims Administrator

I Shante Carver identification #100002556 wish to exclude (OPT OUT) myself from the settlement class in re: National Football League Players' Concussion Injury Litigation, No 2:12-md-02323.

Thank You.

 10-07-2014

Shante E Carver  
7360 W. Ellis St  
Laveen, AZ 85339  
02/12/1971

EXHIBIT A

PASSEPORT  
PASSEPORT  
PASAPORTE



100

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**Figure 1**

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Date of issue / Date de abținerii / Fecha de expedición

Autobus / Automobile / Autocar /

08 May 2019

Date d'expiration: Date d'expiration: Date d'expiration:

United States

07 May 2019

# Department of State

Enseñanzas / Mentions Spéciales / Anclajes

SEE PAGE 27



P<USACARVER<<SHANTE<EBONY<<<<<<<<<<<<<<<<<<<  
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S. Carter  
7360 W. Ellis St  
LAVENIA AZ 85339

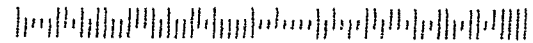
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NFL Concussion Settlement  
P.O. Box 25369  
Richmond, VA 23260

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**GOLDBERG  
PERSKY  
WHITE P.C.**  
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LANE A. CLACK (PA & MI)  
BRUCE E. MATTOCK (PA & WV)  
DAVID B. RODES (PA)  
JOSEPH J. CIRILANO (PA, MI, OH & WV)  
CHARLES J. McLEIGH (PA, WV & OH)  
JASON E. LUCKASEVIC (PA, MI & AZ)  
JASON T. SHIPP (PA & MI)  
DIANA NICKERSON JACOBS (PA & OH)  
CORI J. KAPUSTA (PA)

LEIF J. OCHELTREE (PA & WV)  
JOHN N. KELSEY (MI & IN)  
JOHN R. POMERVILLE (MI)  
STEPHANIE N. BELL (PA, OH & WV)  
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M. MICHAEL ELMER (PA)  
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JAMES W. DORING (PA)

Retired:  
JOEL PERSKY

Of Counsel:  
THEODORE GOLDBERG  
THOMAS W. WHITE  
PETER T. PALADINO, JR  
MARK C. MEYER  
JAMES J. BEDORTHA  
HOWARD M. LOUIK

PITTSBURGH, PA • DETROIT, MI • SAGINAW, MI • WEIRTON, WV • JOHNSTOWN, PA • GREENSBURG, PA • WASHINGTON, PA

May 6, 2015

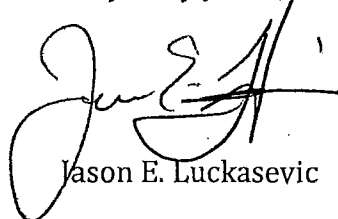
Orran L. Brown, Esq.  
BrownGreer PLC  
250 Rocketts Way  
Richmond, VA 23231

**Re: *In re: National Football League Players' Concussion Injury Litigation—  
Shante Carver***

Dear Mr. Brown:

I am counsel of record for Shante Carver in the above-captioned litigation. Mr. Carver filed a timely opt out from the settlement of this matter as recognized by the First through Eighth Opt Out Reports Submitted by the Claims Administrator between November 3, 2014, and April 21, 2015. Yesterday, you filed the Posting of List of Opt Outs Pursuant to the Final Order and Judgment. In this Posting, Mr. Carver's opt out was listed as deficient for the sole reason that he did not include his phone number in his Request for Exclusion from Settlement Class. However, Mr. Carver did indeed include his phone number in his request. *See* Request for Exclusion from Settlement Class of Shante Ebony Carver, attached. Hence, I ask that you include Mr. Carver's Request as one being a Timely Opt Out Request Containing All Information Required by Section 14.2(c). Thank you for your time in relation to this matter.

Very truly yours,



Jason E. Luckasevic

JEL/kjs  
Enclosure

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS'  
CONCUSSION INJURY  
LITIGATION

No. 12-md-2323 (AB)

MDL No. 2323

**REQUEST FOR EXCLUSION FROM SETTLEMENT CLASS**

To: Claims Administrator  
NFL Concussion Settlement  
P.O. Box 25369  
Richmond, VA 23260

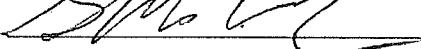
Please take notice that I, Shante Ebony Carver, hereby request to be excluded from the Settlement Class in *In re: National Football League Players' Concussion Injury Litigation*, No. 2:12-md-02323.

Name: Shante Carver

Address: 7360 W.Ellis St  
Laveen, AZ 85339

Phone No.: 602-568-6949

Date of Birth: 02/12/1971

Signature: 

Print Your Name: Shante Carver

Date: 10/10/, 2014.

**\* A copy of your driver's license or other government issued identification  
MUST BE ATTACHED.**



# NFL

# CONCUSSION SETTLEMENT

IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION  
No. 2:12-md-02323 (E.D. Pa.)

May 12, 2015

**By Electronic Mail**

Jason E. Luckasevic, Esquire  
Goldberg Persky White P.C.  
1030 Fifth Avenue  
Pittsburgh, Pennsylvania 15219

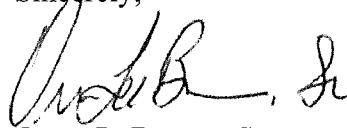
**RE: In re: National Football League Players' Concussion Injury Litigation**  
**Case No. 2:12-md-02323 (E.D. Pa.)**

Dear Mr. Luckasevic:

Thank you for your letter of May 6, 2015. We never received or saw the October 10, 2014 Request for Exclusion form that you included until we received it with your May 6 letter. Instead, all we had received from or relating to Mr. Carver was the enclosed letter dated October 7, 2014, which did not include a phone number. We did not know that Mr. Carver was represented by counsel until we received your letter.

We are not authorized to conclude whether the absence of the phone number is determinative in any respect and do not know if it will have any consequences. We were merely reporting to the Court the information we have in light of the provisions in Section 14/2(c) of the Settlement Agreement regarding the contents of a request for exclusion.

Sincerely,



Orran L. Brown, Sr.  
BrownGreer PLC  
Claims Administrator  
NFL Concussion Settlement

Enclosure

**EXHIBIT C**

10/07/2014

To NFL Concussion Claims Administrator

I Shante Carver identification #100002556 wish to exclude (OPT OUT) myself from the settlement class in re: National Football League Players' Concussion Injury Litigation, No 2:12-md-02323.

Thank You.

 10-07-2014

Shante E Carver  
7360 W. Ellis St  
Laveen, AZ 85339  
02/12/1971



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USA

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Surname / Nom / Apellidos

CARVER

Given Names / Prénoms / Nombres

SHANTE EBONY

Nationality / Nationalité / Nacionalidad

UNITED STATES OF AMERICA

Date of birth / Date de naissance / Fecha de nacimiento

12 Feb 1971

Place of birth / Lieu de naissance / Lugar de nacimiento

Sex / Sexe / Sexo

CALIFORNIA, U.S.A.

**M.**

Date of issue / Date de délivrance / Fecha de expedición

Authority / Autorité / Autoridade

08 May 2009

United States

Date of expiration / Date d'expiration / Fecha de caducidad

Department of State

07 May 2019

Endorsements / Mentions Spéciales / Anotaciones

SEE PAGE 27

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S. CARP  
7360 W. Ellis St  
LAVZEN, AZ 85339

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NFL Concussion Settlement  
P.O. BOX 25369  
Richmond, VA 23260

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